MINUTES - REGULAR MEETING
BOONE TOWN COUNCIL JULY
17, 2008

A regular meeting of the Boone Town Council was called to order at 6:30 p.m., Thursday, July 17, 2008, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Lynne Mason, Janet Pepin, Liz Aycock, and Stephen Phillips. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Deputy Town Clerk Kimberly Brown, Assistant to the Town Manager Jim Byrne, Police Chief Bill Post, Fire Chief Reggie Hassler, Public Works Director Blake Brown, Public Utilities Director Rick Miller, Finance Director Amy Davis, Human Resources Director Peri Moretz, and Development Services Director John Spear.

ANNOUNCEMENTS

Mayor Clawson called the meeting to order and welcomed all in attendance. She noted that anyone wanting to speak during the public comment session would need to sign the public comment sign-up sheet.

TENTATIVE AGENDA ADOPTION

Town Manager Greg Young noted the following changes to the agenda:

1. Item 5. Q. - Appointment of Inter-governmental subcommittees.

2. Item 5. R. - Adoption of Parking Lease - Watauga County.

3. Item 6. E. - Requested Appearance - Appalachian State University/Watauga County - Request for water and sewer service to Brookshire Park Phase II located at 574 Brookshire Road.

4. Item 8. - Additions to Closed Session: Property Acquisition - Water and Legal Advice on Wal Mart Special Use Permit.

Council Member Aycock requested that Item 6. A. Requested Appearance-Saul Chase be included in Item 5. E. Transportation Committee Recommendations.

VOTE: Aye - All
Nay - None

Upon a motion by Council Member Aycock, seconded by Council Member Brantz, Council moved to adopt the agenda as amended.

VOTE: Aye - All
Nay - None

CONSENT AGENDA ADOPTION

Upon a motion by Council Member Brantz, seconded by Council Member Aycock, Council moved to adopt the following consent agenda items:

Minutes: June 9, 2008 - Special Meeting.
June 12, 2008 - Closed Session.
June 17, 2008 - Special Meeting.
June 19, 2008 - Regular Meeting.

Adoption of Resolution - Installment Financing Contract:

RESOLUTION
AUTHORIZING THE EXECUTION AND DELIVER OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF $269,440.00 WITH RBC BANK (USA) TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE TOWN OF BOONE, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the Town of Boone, North Carolina (the "Unit"):

Section 1. The governing body of the Unit does hereby find and determine:

a) The Town of Boone proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment:);

b) After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

c) Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and

d) RBC Bank (USA) ("RBC Bank (USA)") has proposed that RBC Bank (USA) enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Bank (USA) will lend the Unit then amount of $269,440.00 (the "Contract") and a related Escrow

Agreement between the Unit and RBC Bank (USA) (the "Escrow Agreement").

Section 2. The governing body of the Unit hereby authorizes and directs the Authorized Officer, Amy Davis, to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the Town of Boone to the Contract and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Bank (USA) in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of RBC Bank (USA).

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than $10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2008. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligation" for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

ADOPTED this 17th day of July, 2008.

ATTEST: Mayor

Deputy Clerk

(RESOLUTION TO BY TYPED IN BOOK 3, PAGE 62-63)

Acceptance of Dedication of Right-of-Way - Howard Street Project.

Final Acceptance of Wal Mart Lease:

VOTE: Aye - All
Nay - None

PRESENTATION ON EFFECTS OF SMOKING - DR. KEVIN WOLFE

Dr. Kevin Wolfe presented a power-point presentation on the effects of smoking including the following issues related to the subject:

- Influence of advertising of cigarettes, smokeless tobacco, and cigars
- Smoking and cancer
- Economic impact of the use of tobacco products
- Impact on life expectancy
- Effective ways and benefits of quitting the habit

Council Member Pepin stated that she, Council Member Aycock, and Town Attorney Sam Furgiuele are currently updating the Town's smoking policy.

MASTER PLAN ADVISORY COMMITTEE APPOINTMENTS

Development Service Director John Spear stated that The Lawrence Group has recommended that an advisory committee be appointed to serve as a resource for the project management team and the Town. Furthermore, he stated that the team should be large enough to provide comprehensive feedback regarding growth and development issues facing the community but small enough to be manageable, ideally a committee with twelve members. Mr. Spear noted that the committee will help to establish guiding principles for the master plan process and help spread the word and engage the greater community. He recommended the following committee composition:

(1) Board of Adjustment member
(1) Community Appearance committee member
(1) Greenway committee member
(1) Historic Preservation committee member
(2) Planning Commission members
(2) Town Council members
(1) Economic Development Commission member
(1) Downtown Boone Development Association member

(1) representative from Appalachian State University
(1) representative from the Watauga County School system.

Mr. Spear suggested that the chair person for each committee or commission would be a logical choice for appointment. Council Member Mason suggested a representative from Watauga County, other than the school system, should be included. Council Member Pepin suggested having a breakfast meeting instead of a lunch meeting. Mr. Spear stated that The Lawrence Group would like to conduct the kick-off meeting on either Monday, August 18th or Tuesday, August 19th. Council Members Mason and Phillips volunteered to serve as Town Council representatives on the Master Plan Advisory Committee.

ADOPTION OF RESOLUTION - RURAL CENTER GRANT

Assistant to the Town Manager Jim Byrne requested permission to apply for a $450,000 Rural Center grant for use toward the purchase of land for the raw water intake. He stated that the Town will need to provide a 50% match. Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to grant the request and adopt the following resolution:

RESOLUTION

WHEREAS, in the summer of 2007, the North Carolina General Assembly included a $100 million appropriation to the North Carolina Rural Economic Development Center in the FY2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater infrastructure improvements; and

WHEREAS, the Town of Boone has need for and intends to construct or rehabilitate a publically-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as purchase of land for raw water intake; and

WHEREAS, the Town of Boone intends to request grant assistance from the Supplemental Grants Program for the project;

NOW, THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE TOWN OF BOONE:

That Town of Boone will arrange financing for all remaining costs of the project, if approved for a grant.

That Town of Boone will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Loretta Clawson, Mayor, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Boone with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That Mayor Loretta Clawson, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Town of Boone has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

ADOPTED this the 17th day of July, 2008.

ATTEST: Mayor

Deputy Clerk

(RESOLUTION TO BY TYPED ON BOOK 3, PAGE 64)

VOTE: Aye - All
Nay - None

GREENWAY COMMITTEE RECOMMENDATIONS - DANIEL BOONE HILL

Mr. Saul Chase, member of the Greenway, Parks & Gardens Committee, appeared before the Council to present the following recommendations from the committee to Daniel Boone Hill:

- Name change to Strawberry Hill Arboretum designed by T. K. Pease
- Welcoming sign and entrance: First line of sign - Strawberry Hill Arboretum, Second line of sign - Designed by T. K. Pease
- Parking
- Sidewalks on Horn in the West Drive on Strawberry Hill side
- Re-establishment of original trails
- Identification of specimen trees
- Improvements to restrooms.

Council Member Brantz asked about Mr. T. K. Pease. Mr. Chase stated that he was an architect and a resident of the neighborhood who designed that portion of the park. Council Member Brantz also inquired as to a cost estimate for the recommended improvements. Mr. Chase stated that the committee did not create a cost estimate for this recommendation. Public Works Director Blake Brown stated that upgrades to the restroom facilities would need to include renovations to comply with ADA requirements. Mr. Chase suggested pursuing a few items until funds could be made available to address improvements to sidewalks and the restroom facilities. Council Member Pepin voiced a concern with the parking recommendation citing the current contract with ASU for parking spaces in the Horn in the West lot. She stated that she would also like to see a budget for the recommended improvements. Upon a motion by Council Member Pepin, seconded by Council Member Aycock, Council moved to approve the pursuit of the plan as presented including the establishment of a budget estimate for the improvement plan.

VOTE: Aye - All
Nay - None

TRANSPORTATION COMMITTEE RECOMMENDATIONS - LEFT-TURNS FROM GRAND BOULEVARD INTERSECTION

Public Works Director Blake Brown presented the following recommendation from the Transportation Committee: Defer action of "No Left Turns" from Grand Boulevard onto King Street, instruct staff to send surveys for neighborhood input, and retain a traffic engineer to do a traffic impact study of the Grand Boulevard area. Mr. Brown stated that there is enough money in the Public Works budget to conduct a traffic impact study, approximately $2,000-$5,000. Saul Chase, of 151 Iris Lane, requested that the Council rescind the ordinance prohibiting left-turns from Grand Boulevard onto King Street. Mr. Chase pointed out numerous residential uses, a few multifamily uses, and three non-profit uses in the neighborhood. He contended that this change was not the result of the consideration of safety issues but of traffic congestion issues. He also noted that no neighborhood input for the change was solicited. Mr. Chase stated that the no-left turn decision has unintended consequences in that it alters the traffic pattern causing more traffic at the intersection of Depot Street and King Street, and it will increase traffic in single-family neighborhoods. Mr. Chase cited information about the incidence of traffic accidents at the intersection by stating that only one traffic accident occurred at that location since 2005. He offered a petition signed by members of the neighborhood for the Council's consideration (**copy on file**). Mr. Brown stated that eliminating two-four parking spaces at that intersection could improve the site distance for those using the intersection; however, he reiterated that a problem exists with traffic flow and congestion in that area due to left-turns off of King Street into various businesses and parking lots. Mr. Brown suggested the option of limiting left-turns during various times during the day. Council Member Brantz acknowledged that taking left-turns at that intersection is many times very difficult. Council Member Aycock insisted that a traffic study is not warranted for that area based on accident history. She noted the neighborhood opposition to this ordinance and stated she feels that there are already too many signs creating clutter in town. Upon a motion by Council Member Aycock, seconded by Council Member Phillips, Council moved to rescind the ordinance prohibiting left-turns from Grand Boulevard onto King Street and to have the Transportation Committee to present Council with a proposal to address the issues at this intersection and to include neighborhood input in the process.

VOTE: Aye - 4 (Phillips, Aycock, Mason, Pepin)
Nay - 1 (Brantz)

Council Member Mason stated that Council needs to study these problem intersections in the downtown area and create some long-term solutions. Council Member Pepin stated that limited site distance is a problem at this intersection and agreed that several intersections warrant study to increase safety standards.

BOARD OF ADJUSTMENT APPOINTMENTS

Development Services Director John Spear informed the Council that six positions are open on the Board of Adjustment. The following members' terms have expired:

Fred Hay - Resident
Tom Herron - Alternate Resident
Ivan Roten - Alternate Resident
Lee Stroupe - ETJ
Bob de Camara - Alternate ETJ
David Risk - Alternate ETJ

Mr. Spear noted that the Town Clerk has published a notice of vacancies and solicited applications from qualified citizens and existing board members. Applications were received from the following persons: Dr. Fred J. Hay, Dr. William Thomas Herron, Mr. Ivan C. Roten, Mr. Lee W. Stroupe, Mr. Bob deCamara, Mr. James David Risk, and Mr. Mark A. Templeton. Mayor Clawson called for nominations for appointment for the resident member position. Council Member Brantz nominated Dr. Fred Hay. With no further nominations, Mayor Clawson called for a vote on the appointment of Fred Hay as a resident member of the Boone Board of Adjustment.

VOTE: Aye - All
Nay - None

Mayor Clawson called for nominations for appointment for two resident, alternate positions. Council Member Brantz nominated Tom Herron and Ivan Roten was nominated by Council Member Aycock. With no other nominations, Mayor Clawson called for a vote on the appointment of Tom Herron for a resident, alternate position on the Board of Adjustment.

VOTE: Aye - All
Nay - None

Mayor Clawson called for a vote on the appointment of Ivan Roten for a resident, alternate position on the Board of Adjustment.

VOTE: Aye - All
Nay - None

Development Services Director John Spear noted that ETJ nominations from the Council are forwarded to the Watauga County Board of Commissioners for appointment. Mayor Clawson called for nominations for the ETJ position. Council Member Aycock nominated Lee Stroupe. With no other nominations, Mayor Clawson called for a vote to forward the nomination of Lee Stroupe as the ETJ member to Watauga County.

VOTE: Aye - All
Nay - None

Mayor Clawson called for nominations for the two vacant ETJ alternate positions. Council Member Phillips nominated Bob deCamara and David Risk. Council Member Mason stated that she is not comfortable with nominating Mr. Risk due to the incomplete information submitted on his application. With no other nominations, Mayor Clawson called for a vote to forward the nomination of Bob deCamara as an ETJ alternate member to Watauga County.

VOTE: Aye - All
Nay - None

Mayor Clawson called for a vote to forward the nomination of David Risk as an ETJ alternate member to Watauga County. Mr. Risk's application did not receive any votes. It was the consensus of the Council to advertise the ETJ alternate position for the Board of Adjustment for one more month to solicit further applications.

COMMUNITY APPEARANCE COMMISSION APPOINTMENTS

Development Services Director informed the Council that there are three members whose terms have expired: Tom Jamison, Casey Pond, and Bill Bake. Mr. Spear noted that the Town Clerk has published a notice of vacancies and solicited applications for the positions. Applications were received from the following persons: Mr. William Thomas Jamison, Mr. Karl Pond, Mr. Jesse Pipes, and Mr. Christopher Winsor. Mayor Clawson called for nominations for the three positions for the Community Appearance Commission. Council Member Aycock nominated Tom Jamison; Council Member Pepin nominated Casey Pond. Council Member Mason nominated Chris Winsor. Council Member Phillips stated he feels Mr. Winsor's application is incomplete. With no further information, Mayor Clawson called for a vote to appoint Tom Jamison to serve on the Community Appearance Commission.

VOTE: Aye - All
Nay - None

Mayor Clawson called for a vote to appoint Casey Pond to serve on the Community Appearance Commission.

VOTE: Aye - All
Nay - None

Mayor Clawson called for a vote to appoint Christopher Winsor to serve on the Community Appearance Commission.

VOTE: Aye - 3 (Aycock, Mason, Brantz)
Nay - 2 (Phillips, Pepin)

PLANNING COMMISSION APPOINTMENTS

Development Services Director John Spear informed the Council that the following Planning Commission members have expired terms:

Mary Ruth McRae - Resident
Skip Greene - Resident
Patrick Heavner - Resident (Resigned) Term expires 6/30/11
Charlie Walker - ETJ

He informed the Council that both Skip Greene and Charlie Walker are not interested in reappointment. Mr. Spear noted that the Town Clerk has published a notice of vacancies and solicited applications for the positions. Applications were received from the following persons: Ms. Mary Ruth J. McRae, Mr. William Porter Aceto, Mr. James R. Milner III, Mr. Morgan Murray, Mr. Jesse D. Pipes, Mr. Karl S. E. Pond, Mr. W. Brett Scantlin, and Mr. Mark A. Templeton. Mayor Clawson called for nominations for the three open resident positions. Council Member Brantz nominated Mary Ruth McRae. Council Member Aycock nominated Jesse Pipes. Casey Pond was nominated by Council Member Phillips, and Brett Scantlin was nominated by Council Member Mason. Council Member Pepin nominated Morgan Murray. With no other nominations, Mayor Clawson called for a vote to appoint Mary Ruth McRae to serve as a resident member of the Planning Commission.

VOTE: Aye - All
Nay - None

Mayor Clawson called for a vote to appoint Jesse Pipes to serve as a resident member of the Planning Commission.

VOTE: Aye - 3 (Phillips, Aycock, Mason)
Nay - 2 (Pepin, Brantz)

Mayor Clawson called for a vote to appoint Casey Pond to serve as a resident member of the Planning Commission.

VOTE: Aye - 2 (Phillips, Aycock)
Nay - 3 (Mason, Pepin, Brantz)

Mayor Clawson called for a vote to appoint Brett Scantlin to serve as a resident member of the Planning Commission.

VOTE: Aye - 3 (Mason, Pepin, Brantz)
Nay - 2 (Phillips, Aycock)

Mayor Clawson called for a vote to appoint Morgan Murray to serve as a resident member of the Planning Commission.

VOTE: Aye - 2 (Pepin, Brantz)
Nay - 3 (Phillips, Aycock, Mason)

Mayor Clawson declared a break at 8:11 p.m. Council reconvened at 8:23 p.m.

It was the consensus of the Council to advertise the vacant ETJ position on the Planning Commission for another month in order to solicit additional applications.

CABLE TV ADVISORY APPOINTMENTS

Town Manager Greg Young stated that four positions are now open on the Cable TV Advisory Board. He noted that the roster currently stands at seven positions; however, the Town Code requires six positions on this board. Furthermore, he noted that the Town Clerk had suggested cutting one position to return the board to six positions due to the difficulty in filling the positions. Mr. Young advised that one application had been received from Len Hagaman, Jr. Mayor Clawson called for nominations for appointment to serve on this board. Council Member Mason nominated Len Hagaman, Jr. for appointment to serve on the Cable TV Advisory Board. With no further nominations, Mayor Clawson called for a vote to appoint Mr. Hagaman to this board.

VOTE: Aye - All
Nay - None

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to cut one position on the Cable TV Advisory Board for a total of six positions.

VOTE: Aye - All
Nay - None

ANNOUNCEMENT OF BOARD OPENINGS - TOURISM DEVELOPMENT AUTHORITY

Mayor Clawson announced that the Tourism Development Authority Board currently has three positions open for appointment and that the Town of Boone is accepting applications from interested persons regarding these openings.

APPOINTMENT OF COUNCIL MEMBER - TO SERVE ON TWO COMMITTEES

Mayor Clawson requested appointment of a council member to serve on her behalf as a representative on the High Country Rural Transportation Planning Board. She explained that this board considers transportation issues for the entire area and meets on a quarterly basis. Council Member Pepin volunteered to serve as a back-up representative for Mayor Clawson on this board. Additionally, Mayor Clawson requested a that a council member attend a July 28th meeting of the Town of Boone and ASU Town/Gown Committee. She explained that this would be a one-time commitment unless this committee appoints a Town representative on a permanent basis. Council Member Aycock volunteered to attend this meeting on the Mayor's behalf on July 28th.

SCHEDULING OF SPECIAL MEETING - WATAUGA COUNTY BOARD OF COMMISSIONERS

Mayor Clawson announced that the Watauga County Board of Commissioners has requested a meeting with the Town Council to discuss water/sewer and recreation issues. Council Member Mason further explained that the purpose of this meeting will be to discuss each entity' s roles and responsibilities regarding different projects and to revisit and have productive conversation on these issues. Council Member Pepin suggested that this meeting should include some decision-making action in order to be a productive meeting. Council Member Brantz agreed that increased communication between the two entities is important. After consideration of the date of the meeting, it was the consensus of the Council to suggest meeting with the Watauga County Board of Commissioners on Wednesday, August 20th at 5:00 p.m. in the Council Chambers.

SCHEDULING OF SPECIAL MEETING - NC DEPARTMENT OF TRANSPORTATION

Town Manager Greg Young stated that the purpose of this meeting is to discuss the proposed Highway 105 improvements. He suggested that Council also discuss the King Street widening project, as well as sidewalks to the new Watauga High School site. Mr. Young announced a special meeting concerning the bond issue for a new water intake. Upon a motion by Council Member Mason, seconded by Council Member Brants, Council moved to set a special meeting on July 31st at 4:00 p.m. at the Watauga County Commissioner boardroom to meet with officials from the NC Department of Transportation.

VOTE: Aye - All
Nay - None

SCHEDULING OF SPECIAL MEETING - WATER USE COMMITTEE

Public Utilities Director Rick Miller requested a special meeting be set to review and discuss Ordinance #05-01. Upon a motion by Council Member Pepin, seconded by

Council Member Brantz, Council moved to schedule a special meeting on Wednesday, August 20th at 3:00 p.m. in the Council Chambers to review and discuss Ordinance #05-01.

VOTE: Aye - All
Nay - None

MONTHLY WATER STATUS REPORT

Public Utilities Director Rick Miller presented the following status report:

As requested by Town Council, staff and I have compiled the following information concerning water use for the month of June. The Water Treatment Plant recorded a maximum daily demand of 2.289 million gallons on Wednesday, June 11, 2008, and the average daily demand was 1.743 million gallons for the entire month. The total amount of water treated was 52.29 million gallons. This is a 1.12 percent decrease over the total amount of water treated in June 2007.

Attached you will find a chart that depicts a comparison of the maximum daily demands for the month of June since 1995. Included is an average trend line that illustrates the extent the maximum daily demand has increased during the past thirteen years.

At the last Town Council meeting, Council chose to allocate 270 gallons per day from the 2008 allotment for one project, 635 gallons per day from the 2009 allotment for one project, and 1,998 gallons per day from the 2010 allotment for one project. Since the last Town Council meeting the Public Utilities Department has approved three projects that subtracted 735 gallons per day from the 2008 allotment. The total water allotment remaining for the year 2008 has broken the sixty percent threshold and all future water service requests in excess of 500 gallons per day will be forwarded to Town Council as required in Ordinance 05-01.

As you can see in the attached "Approved Water Connections" chart, the Public Utilities Department now has 5,234 gallons per day remaining for allotment in 2008, 4,096 gallons remaining for 2009 and 43,373 gallons pre day remaining for 2010.

As of today's date, the NC Drought Management Advisory Council still has Watauga County categorized at "Extreme Drought" status. I have not attached a chart for the precipitation as it has not been updated since last month.

			2008			
Staff Approved	**Date**	**Projected Usage**	**Council Approved**	**Date**	**Projected Usage**	**Remaining Gallons**
						50000
			Mega Builders	11/15/07	14400	35600
			Anne Henning	11/15/07	795	34805
			Katrina Callio	11/15/07	90	34715

Brad Moretz	1/2/08	916				33799
Park Street Subdivision	1/2/08	810				32989
Bob Buyce	1/2/08	2043				30946
James Bates	1/2/08	270				30676
Beth Postlewait	1/2/08	270				30406
John Winkler	1/2/08	252				30154
Pat Carroll	1/2/08	936				29218
WWWC LLC	1/2/08	2682				26536
Carroll Companies	1/2/08	2730				23806
WWWC LLC	1/2/08	936				22870
WWWC LLC	1/2/08	2982				19888
			Oscorp Investment	1/17/08	6750	13138
Salvation Army	1/7/08	176				12962
			Adam Upchurch	2/21/08	7452	5510
			Jamus FLP	**2/16/08**	**4209**	**9719**
			Jamus FLP	**2/16/08**	**4209**	**13928**
Thomas McGowan	1/24/08	90				13838
Phillip Cresman	2/8/08	30				13808
John Winkler	2/11/08	30				13778
Den-Mac	3/4/08	15				13763
			John Winkler	3/20/08	3450	10313
			Michael Brown	3/20/08	2400	7913
Boone Drug	3/27/08	162				7751
			Warren Shepherd	4/17/08	30	7721
			Hollar & Greene	4/17/08	360	7361
Ethan Anderson	4/30/08	150				7211
			Brent Davis	5/15/08	60	7151
			High Country COG	5/15/08	465	6686
William Scantlin	5/6/08	150				6536
Templeton Properties	5/6/08	135				6401
APE Inc.	5/8/08	150				6251
Lee Bryant	5/21/08	12				6239
			James Hartley	6/19/08	270	5969
Greg Simmons	6/13/08	270				5699
University Nissan	7/2/08	450				5249
Blue Ridge Ear	7/2/08	15				5234
			2009			
Staff Approved	**Date**	**Projected Usage**	**Council Approved**	**Date**	**Projected Usage**	**Remaining Gallons**
						50000
			Leonard Soloman	11/15/07	8100	41900
			Oscorp Investment	1/17/08	4225	37675
			Adam Upchurch	2/21/08	20350	17325
			Boone Five LLC	2/21/08	8418	8907
			Charisma Partners	4/17/08	4176	4731
			Harris Teeter	6/19/08	635	4096

1						
			2010			
Staff Approved	**Date**	**Projected Usage**	**Council Approved**	**Date**	**Projected Usage**	**Remaining Gallons**
						50000
			Hospitality House	4/17/08	4629	45371
			Wal Mart	6/19/08	1998	43373

APPROVAL OF BUDGET AMENDMENTS

Upon a motion by Council Member Brantz, seconded by Council Member Phillips, Council moved to approve the following budget amendments:

DESCRIPTION	**ACCOUNT #**	**TO:**	**FROM:**
CAPITAL OUTLAY-OFFICE EQUIPMENT - FINANCE	010-402-000-571000	$1,920.00	
MAINTENANCE & REPAIR-BLDG. - FIRE STATION #1	010-406-000-525101	$1,700.00	
MAINTENANCE & REPAIR-BLDG. - BROWN BLDG	010-408-000-525101	$6,648.00	
MAINTENANCE & REPAIR-BLDG. - BROWN BLDG	010-408-000-525101	.... $778.00	
MAINTENANCE & REPAIR-BLDG. - JONES HOUSE	010-409-000-525101	.... $7,000.00	
ADVERTISING-JONES HOUSE	010-409-000-527001	.... $500.00	
CENTENNIAL CELEBRATION-JONES HOUSE	010-409-000-546136	.... $3,153.00	
ATP/GREENWAY-SPECIAL PROJECTS	010-411-000-545100	.... $523,141.00	
TOWN HALL STREET GARDEN-SPECIAL PROJECTS	010-411-000-549105	.... $8,500.00	
STORM WATER ASSESSMENT-SPECIAL PROJECTS	010-411-000-549109	.... $48,339.00	
IT-SPECIAL PROJECTS	010-411-000-549111	.... $18,910.00	
IT-SPECIAL PROJECTS (E911 LAN LINE FUNDS)	010-411-000-549111	.... $66,933.00	
NC DOT/RELATED PROJECTS-SPECIAL PROJECTS	010-411-000-549121	.... $500,000.00	
HORN IN THE WEST	010-411-000-549122	.... $4,500.00	
HORN IN THE WEST	010-411-000-549122	.... $6,000.00	
HORN IN THE WEST	010-411-000-549122	.... $185,238.00	

ANN MARIE/ELIZABETH DR PARK-SPECIAL PROJECT	010-411-000-549123	.... $226,050.00	
HOWARD STREET-SPECIAL PROJECTS	010-411-000-549124	.... $50,000.00	
TREE PLANTING PROJECT-SPECIAL PROJECTS	010-411-000-549128	.... $6,000.00	
SIDEWALK EXPANSION-SPECIAL PROJECTS	010-411-000-549131	.... $100,000.00	
STREAM BANK RESTORATION-SPECIAL PROJECTS	010-411-000-549133	.... $50,000.00	
UDO/COMP PLAN UPDATE-SPECIAL PROJECTS	010-411-000-549134	.... $155,232.00	
JONES HOUSE FENCE-SPECIAL PROJECTS	010-411-000-549135	.... $5,094.00	
CAPITAL OUTLAY-OTHER IMPROVE - FIRE STATION #2	010-415-000-574001	.... $60,000.00	
TAX, LICENSE & FEES-POLICE	010-500-300-515901	.... $2,253.00	
COMMUNICATIONS EQUIP-POLICE	010-500-300-516400	.... $856.00	
ARMORY SUPPLIES-POLICE	010-500-300-519200	.... $1,511.00	
MISCELLANEOUS SUPPLIES-POLICE	010-500-300-519900	.... $1,395.00	
1MAINT & REPAIR-VEHICLES-POLICE	010-500-300-525301	.... $1,800.00	
TIRES-FIRE DEPARTMENT	010-500-350-515200	.... $963.00	
MAINT & REPAIR-VEHICLES-FIRE DEPARTMENT	010-500-350-525301	.... $1,250.00	
CAPITAL OUTLAY-LARGE TRUCKS-FIRE DEPARTMENT	010-500-350-573300	.... $62,115.00	
CONTRACTED SERVICES-DEVELOPMENT SERVICES	010-500-360-577000	.... $10,400.00	
OFFICE EQUIPMENT-PUBLIC WORKS	010-600-400-516200	.... $4,227.00	
MAINTENANCE-GREENWAY-FACILITIES MAINTENANCE	010-600-405-525110	.... $7,000.00	
CAPITAL OUTLAY-WATER TANKS-WATER OPS	030-700-802-575100	.... $184,918.00	
CONTRACTED SERVICES-WATER OPERATIONS	030-700-802-577000	.... $2,500.00	
CONTRACTED SERVICES-WATER OPERATIONS	030-700-802-577000	.... $1,490.00	
MAINTENANCE-EQUIPMENT-SEWER OPERATIONS	030-700-803-525201	.... $12,100.00	
CAPITAL OUTLAY-LINES-SEWER OPERATIONS	030-700-803-575000	.... $53,090.00	

CAPITAL OUTLAY-LINES-SEWER OPERATIONS	030-700-803-575000	.... $365,821.00	
MISCELLANEOUS SUPPLIES-WTP	030-700-804-519900	.... $900.00	
CAPITAL OUTLAY-OTHER EQUIP-WTP	030-700-804-574000	.... $12,143.00	
CONTRACTED SERVICES-WTP	030-700-804-577000	.... $28,908.00	
CONTRACTED SERVICES-WWTP	030-700-805-577000	.... $3,500.00	
NC DOT/ALTERNATIVE TRANS.	010-000-000-448025		($269,985.00)
APPROPRIATED FUND BALANCE-GF	010-000-000-499900		($1,859,421.00)
APPROPRIATED FUND BALANCE-W&S	030-000-000-499900		($665,370.00)
CAPITAL OUTLAY-LARGE TRUCKS-FIRE	010-500-350-573300	.... $269,440.00	
LOAN PROCEEDS	010-000-000-492000		($269,440.00)

VOTE: Aye - All
Nay - None

APPOINTMENT OF INTER-GOVERNMENTAL SUBCOMMITTEES

Town Manager Greg Young explained that as a result of action from the April 28th inter-governmental retreat, Council needs to make appointments for members to serve on the subcommittees created at that time. It was the consensus of the Council to make the following appointments:

- Team #1 - Assessing Water Needs, Usage and Capacity - Council Member Pepin
- Team #2 - Establishing Planning Criteria as Defined by All Parties Involved - Council Member Mason
- Team #3 - Investigating Water Conservation Measures - Council Member Phillips
- Team #4 - Taking Joint Action at Regional, State, and National Levels - Council Member Aycock
- Team #5 - Establishing a Public Education Process - Council Member Brantz.

ADOPTION OF PARKING LEASE - WATAUGA COUNTY

Town Manager Greg Young stated that this agreement will replace two that have expired and will allocate thirty parking spaces in the Watauga Public Library parking lot to be used by the Town in exchange for thirty parking spaces along Queen Street which will be used by Watauga County. Mr. Young stated that those parking spaces in the Queen Street lot not being used will return to metered parking. Upon a motion by Council Member Brantz, seconded by Council Member Aycock, Council moved to adopt the following lease agreement:

STATE OF NORTH CAROLINA

AGREEMENT

COUNTY OF WATAUGA

THIS AGREEMENT is made this the 1st day of July, 2008, by and between the **Town of Boone**, a North Carolina Municipal Corporation, hereinafter referred to as "**Town**" and the **Watauga County**, a North Carolina County, hereinafter referred to as "**County**," collectively referred to as the "parties."

WITNESSETH

______WHEREAS, each of the parties owns or controls certain parking which would aid and assist the other party in meeting its respective parking needs; and

WHEREAS, the parties wish to provide for an exchange of parking spaces so as to facilitate the other party's ability to meet its needs; and

WHEREAS, the parties have agreed that it is in their mutual interests to confirm the promises between them; and

WHEREAS, the governing board of each of the parties has duly adopted this Agreement;

FOR AND IN CONSIDERATION of the mutual promises contained herein, which consideration is acknowledged by the undersigned as adequate and fair, the undersigned, for themselves, their governing boards, officers, and employees, agree as follows:

1. **Exchange of Parking Spaces:**

    a. During the term of this Agreement, Town shall make available to the County and its agents, employees and designees shall be entitled to use the following parking spaces in the following metered parking spaces on Queen Street between Water Street and Depot Street: space #'s 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, and 96.

    b. During the term of this Agreement, County shall make available to the Town and its agents, employees and designees shall be entitled to use thirty parking spaces along the perimeter of the back parking lot of the Watauga County Public Library.

2. **Term**: The term of this agreement shall be one year commencing on July 1, 2008 and ending on June 30, 2009, but in accordance with the provisions herein, may be renewed from year to year by the parties. The lease may be terminated by either party upon a thirty (30) day written notice.

3. **Repairs and Maintenance**: The party providing the parking space in question shall be

responsible for all repairs necessary to maintain the space in a safe and useable condition. The party using the parking spaces shall promptly notify the other prty of any condition in need of repair.

IN WITNESS THEREOF, the **Lessor** and **Lessee** have executed this Lease Agreement in duplicate originals, and agree to all of the terms and conditions set forth above, the day and year first above written.

Town of Boone

ATTEST:

Town Clerk, Town of Boone
(SEAL)

Watauga County, by

ATTEST:

County Clerk, Watauga County
(SEAL)

REQUESTED APPEARANCE – ANGIE BOITNOTTE

Angie Boitnotte, Director of the Watauga County Project on Aging, read into record the following statement:

The Watauga County Project on Aging has received funding from the Town of Boone for many years and has greatly appreciated it. In the past, we have received a letter of notification regarding the availability of funding applications for the coming fiscal year, a process identical to the one which Watauga County follows for outside agency funding applications. Apparently, the process was changed this year, with no notification to agencies that were currently funded; instead of individual agency notification letters, an announcement was posted on the Town's website and in several newspapers. Since we were unaware of the change in process, we missed the opportunity to apply for funding. The purpose of this letter is to request the opportunity to appear before the Boone Town Council at their July meeting to ask that the Watauga County Project on Aging's funding from the Town of Boone, in the amount of $6,000, be reinstated for FY2009. Not only would this benefit our agency by allowing us to maintain current service levels during a time of ever-increasing budget constraints, it would also provide the Town of Boone the opportunity to continue its support of the Town's senior citizen population. In the past, the funding that we have received has gone to support the Lois E. Harrill Senior Center, which provides a variety of services to many senior citizens who reside within the Town of Boone. We appreciate your consideration of our request and look forward to continuing to work together to serve the citizens of Watauga County.

Ms. Boitnotte stated that if the Town is not able to grant this request, the agency may have to cut funding that will directly affect the elderly citizens in Boone. Council Member Aycock cautioned that the request may not be fully funded since most of the amount has already been allocated to other agencies. Council Member Pepin asked to review the notification letter sent to outside agencies announcing the new review process. Upon a motion by Council Member Pepin, seconded by Council Member Mason, Council moved to forward the application for funding from the Watauga County Project on Aging to the Outside Agency Committee for review and a recommendation.

VOTE: Aye - All
Nay - None

REQUESTED APPEARANCE - SAM CALHOUN

Sam Calhoun appeared before the Council to request approval of a Special Event permit for the Daniel Boone Chase Foot Race, part of the Daniel Boone Days celebration to take place on Saturday, September 6, 2008. He explained that the race will begin in the parking lot of the Mountain Times, continue to the top of Howard's Knob, and return to the parking lot. Police Chief Bill Post stated that he does not anticipate the need for additional offices on duty for the event. Upon a motion by Council Member Brantz, seconded by Council Member Phillips, Council moved to grant approval of the Special Event permit for the Daniel Boone Chase Foot Race and to waive the $250.00 permit fee.

VOTE: Aye - All
Nay - None

REQUESTED APPEARANCE - ALLIANCE BIBLE FELLOWSHIP

Town Attorney Sam Furgiuele opened a public hearing at 9:31 p.m. to hear sworn testimony from Paul Branch, representing Alliance Bible Fellowship, Gil Hunter, of J.H. Battern Construction, and Public Utilities Director Rick Miller. Mr. Branch stated that the application is for water service only and that the project location is 1033 Highway 105 Bypass. He explained that the request for additional water service is due to the relocation of worship services from the current location (gymnasium) which holds 650 seats to a new sanctuary which will hold an additional 350 seats for a total of 1000 seats. He stated that the church facility was previously used by Appalachian Christian School, which had a total of 85 students. Mr. Branch informed the Council that the school closed in May of this year and that another entity will use the facility for 15 students. He noted the request will be for 1050 gallons per day. Gil Hunter, construction project manager, stated that grading work will begin in the fall of 2008. He anticipates that a building permit will be issued in January 2009 and that the project will be finished in November 2009 at the earliest. Public Utilities Director Rick Miller stated that no additional costs are anticipated since the project can probably be served by the current line and meter. He stated that the decrease in the number of students can not be considered in the matter of allocation of the additional gallons per day. With no further testimony, Mr. Furgiuele closed the public hearing at 9:47 p.m. Upon a motion by Council Member Aycock, seconded by Council Member Mason, Council moved to approve the request for an additional 1050 gallons per day for Alliance Bible Fellowship to be taken from the 2008 allotment.

VOTE: Aye - All
Nay - None

REQUESTED APPEARANCE - ASU/WATAUGA COUNTY

Town Attorney Sam Furguiele opened a public hearing at 9:47 p.m. to hear sworn testimony from Greg Lovins, Rocky Nelson, Public Utilities Director Rick Miller, and Development Services Director John Spear. Greg Lovins, Interim Vice-Chair for Business Affairs for ASU, stated that this project is a joint venture of ASU and Watauga County. He stated this complex will include bleacher which will seat 1000 persons, locker rooms and restrooms. Mr. Lovins stated he anticipates the opening date for the project to coincide with an August 19th ASU exhibition game with the locker room and restroom facilities to be finished sometime next year. Watauga County Manager Rocky Nelson stated the project is outside the ETJ. He explained that officials would like water for the project due to a future affordable housing project in the area but that there are provisions in the Town's regulations that allow for sewer connections outside of Town jurisdiction to other governmental entities. He stated that there are no plans for development in the floodway other than the walking track that will eventually connect to the Town's Greenway Trail system. Public Utilities Director Rick Miller stated the amount of water needed is based on three gallons per day per seat with 1000 seats proposed. Mr. Lovins stated that ASU soccer games will have first priority for using the fields and that the field will then be available for use by the High Country Soccer Association and the Watauga County Parks & Recreation Department. Mr. Nelson stated that the County plans to apply for a grant that will help to build the second phase of the project that will include an indoor basketball and volleyball facility, stream crossings, and other green areas. Development Services Director John Spear stated this property is adjacent to the Brookshire Park property which is already annexed. With no further testimony, Mr. Furgiuele closed the public hearing at 10:09 p.m. Council Member Pepin voiced concern that Town lighting standards cannot be implemented. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to deny a request for water since there is not a water main close to the property, and the property is in a rural growth area where the Town does not normally extend water service.

VOTE: Aye - 3 (Mason, Pepin, Brantz)
Nay - 2 (Phillips, Aycock)

Upon a motion by Council Member Mason, seconded by Council Brantz, Council moved to grant the sewer service request with the following conditions:

- If water service becomes available, the property must connect.
- The property must be annexed.

VOTE: Aye - All
Nay - None

PUBLIC COMMENT

There were no persons requesting to appear during public comment.

CLOSED SESSION

Upon a motion by Council Member Brantz, seconded by Council Member Aycock, Council moved to enter Closed Session at 10:15 p.m. pursuant to NCGS 143-318.11a)3)5) in order to discuss the following matters:

- Howard Street Project.
  - Templeton Properties Court Decision.
- Property Acquisition - Water
- Property Acquisition - Eastbrook/Westbrook Drive
- Legal Advice on Wal Mart Special Use Permit

and to excuse Mayor Clawson and Town Attorney Sam Furgiuele from discussion and deliberation of the Templeton Properties Court Decision.

VOTE: Aye - All
Nay - None

Upon a motion by Council Member Pepin, seconded by Council Member Aycock, Council moved to exit Closed Session at 12:01 a.m.

VOTE: Aye - All
Nay - None

ADJOURNMENT

On a motion by Council Member Pepin, seconded by Council Member Aycock, Council moved to adjourn the meeting at 12:02 a. m.

VOTE: Aye - All
Nay - None

____
____
Deputy Town Clerk
Mayor